

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL WEATHERFORD, : NO. 1:09-CV-432
Plaintiff, :
vs. : **OPINION AND ORDER**
HAMILTON COUNTY SHERIFF, :
et al., :
Defendants. :
:

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 50), to which there were no objections. For the reasons indicated herein, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation and DISMISSES Plaintiff's case WITH PREJUDICE.

On July 8, 2009, Plaintiff brought a pro se action pursuant to 42 U.S.C. § 1983, alleging that Defendants deprived him of medical care in violation of his constitutional rights (doc. 50). Defendants filed motions for summary judgment on Nov. 8, 2010 and Dec. 7, 2010, to which Plaintiff has not responded (Id.). On March 25, 2011, Plaintiff was granted an extension of time until May 17, 2011 in which to respond to Defendants' pending motions (Id.). On June 1, 2011, the Court ordered the Plaintiff to show cause within 20 days why Defendants' motions should not be granted and the case dismissed. On June 13, 2011, Plaintiff was granted an

additional 30 days until July 11, 2011, in which to file a response to Defendants' pending motions for summary judgement. Plaintiff was warned that a failure to comply with the terms of the Order would result in (i) a Report and Recommendation that Defendants' motions be granted and this case dismissed, and (ii) a dismissal of this action for failure to prosecute (Id.). To date, Plaintiff has not filed a response to Defendants' motions for summary judgment (Id.).

The Magistrate Judge found that Plaintiff's failure to respond to Defendants' motions for summary judgment warrants dismissal of this case pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute (Id.).

Having reviewed this matter and noting no objections, the Court finds the Magistrate Judge's Report and Recommendation well-taken in all respects. Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation, DISMISSES the case WITH PREJUDICE, and CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith.

SO ORDERED.

DATED: August 17, 2011

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge